

### **REMARKS**

In response to the restriction requirement, applicants provisionally elect Group II, drawn to a hard capsule in which an inorganic substance is containing with a penem antibiotic filled therein.

Claim 1 is amended to recite the limitations of previously pending claim 15, namely that the drug is a penem antibiotic. The remaining claims all depend from claim 1, either directly or indirectly. As a result, all of the pending claims within Group II.

The remaining claims are amended, as necessary, to provide proper grammar and syntax, given the changes to claim 1. In particular, this includes changes to claims 6, 7-14, 16-18, 20 and 22. Further, claims 9 and 10 are amended so that they depend from claim 7 rather than claim 6.

In response to the requirement for an election of species, applicants elect the species of claim 21 (which depends from claim 20), namely:

A hard capsule in which an inorganic substance is contained with penem antibiotic filled therein, where the penem antibiotic is a mixture of a penem antibiotic with a functional coating and a penem antibiotic without a functional coating and the ratio of the mixture of a penem antibiotic applied with a functional coating to a penem antibiotic without a functional coating is within the range of 5:5 to 7:3 in weight.

### **CONCLUSION**

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket No. 100598.53322US).

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Respectfully submitted,

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